

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-55 are pending in the present application. Claims 2-4, 17-22, 30, 33, and 34 have been amended by the present amendment.

Applicants thank Examiner Monbleau for the courtesy of a discussion extended to Applicants' representative on August 18, 2003. During the discussion, Species I and II of Group I and the corresponding Figures 2 and 22, respectively, have been discussed and Examiner Monbleau indicated that it appears that Species II corresponds to Figure 22 and not to Figure 17. Further, Examiner Monbleau indicated that she will review and correct the restriction/election when a response is filed.

Claim 17 has been amended to depend on independent Claim 1, and Claims 2-4, 18-22, 30, 33, and 34 have been amended to depend on Claim 17. No new matter has been added.

In response to the Restriction/Election of April 16, 2003, Applicants provisionally elect, with traverse, Group I, Species I, Claims 1-34 and 36 for examination on the merits in the present application. Applicants respectfully traverse the Restriction/Election for the following reasons.

Applicants note that the outstanding Office Action identifies at page 2, last paragraph, two species corresponding to (i) "a photon source with a quantum dot (Figure 2)," and (ii) "a photon source comprising an active layer with a carrier gas (Figure 17)." It is respectfully submitted, as discussed during the interview, the second species corresponds to Figure 22 and not to Figure 17 for the reasons next presented.

As described in the specification at page 35, last full paragraph, Figure 17 shows a photon source having “a quantum dot layer 109.” Applicants note that Figures 2 and 17 both show a photon source having a quantum dot and Figure 17 shows in more detail than Figure 2 a structure of the quantum dot. Further, the specification discloses at page 43, last two paragraphs, and shows in Figure 22 a photon source having “an active layer 5 . . . capable of supporting a two dimensional electron gas 307.” Accordingly, Applicants respectfully submit that the second species identified in the outstanding Office Action corresponds to Figure 22 and not to Figure 17.

Accordingly, Applicants respectfully traverse the Restriction/Election on the grounds that the Species identified in the outstanding Restriction/Election correspond to Figures 2 and 22 and not to Figures 2 and 17.

Respectfully submitted,

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